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SMITH HOPEN  
INTELLECTUAL PROPERTY LAW180 Pine Avenue North, Oldsmar FL 34677  
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## Fax INTELLECTUAL PROPERTY LAW

To: U.S. Patent & Trademark Office	From: Ronald E. Smith
Attn: Agustin Bello – Art Unit 2613	Client: 1372.08.PRWOUS
Fax: (571) 273-8300	Pages: 4 including coversheet
Phone: (571) 272-3026	Date: April 6, 2007
Re: USSN 10/604,182	CC: University of South Florida

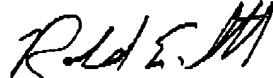
Urgent     For Review     Please Comment     Please Reply     Please Recycle

Dear Examiner Bello:

In response to the Election/Restriction requirement mailed March 8, 2007, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated April 6, 2007 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated April 6, 2007 (2 pages).

Very respectfully,



Ronald E. Smith  
Reg. No. 28,761

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/604,182 Confirmation No.: 1181  
 Applicant: : Dennis K. Killinger  
 Filed: : 06/30/2003  
 TC/A.U. : 2613  
 Examiner : Agustin Bello  
 Docket No. : 1372.08.PRWOUS  
 Customer No. : 21,901  
 For : Open-Path/Free-Space Optical Communication System and Method  
                   Using Reflected or Backscattered Light

Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

## STATUS

2. Applicant is an independent inventor.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

  
 SIGNATURE OF PRACTITIONER  
 Ronald E. Smith  
 Smith & Hopen, P.A.  
 180 Pine Avenue North  
 Oldsmar, Florida 34677  
 (813) 925-8505

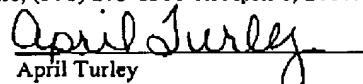
Reg. No.: 28,761  
 Customer No.: 21,901

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CERTIFICATE OF FACSIMILE TRANSMISSION  
 (37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Restriction Requirement is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2631, Attn: Mr. Agustin Bello, (571) 273-8300 on April 6, 2007.

Dated: April 6, 2007

  
 April Turley

(Amendment Transmittal—page 1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/604,182	Confirmation No.
Applicant:	: Dennis K. Killinger	1181
Filed:	: 06/30/2003	
TC/A.U.	: 2613	
Examiner	: Agustin Bello	
Docket No.	: 1372.08 PRWOUS	
Customer No.	: 21,901	
For	: Open-Path/Free Space Optical Communication System and Method Using Reflected Or Backscattered Light	

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Response to Election/Restriction Requirement

Sir:

Applicant responds to the election/restriction requirement mailed 03/08/2007, having a shortened statutory period for response set to expire 04/08/2007, as follows:

Applicant elects the claims of Group I, *i.e.*, claims 1-6, 18-27, and 30-36.

Applicant further elects the free-space communication device of Species I, generally shown in Figs. 1 and 3. The claims readable thereon are claims 1, 6, 18-19, 30-31, and 34-36.

This election is made without traverse.

APR 06 2007

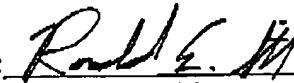
004/004

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

By:



Ronald E. Smith  
180 Pine Avenue North  
Oldsmar, FL 34677  
(813) 925-8505  
Reg. No. 28,761  
Attorneys for Applicant

Dated: April 6, 2007

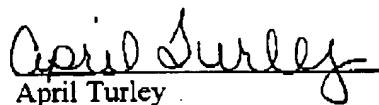
pc: The University of South Florida

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CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Restriction Requirement is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3762, Attn: Agustin Bello, (571) 273-8300 on April 6, 2007.

Dated: April 6, 2007

  
April Turley